

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

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March 6, 2009

Mr. Christopher Scolese
Acting Administrator
National Aeronautics and Space Administration
Two Independence Square SW
Washington, D.C. 20546

Dear Mr. Scolese:

The Committee on Science and Technology is very interested in issues related to organizational conflicts of interest. Over the last decade there has been a growing reliance throughout the Federal government upon systems engineering and technical assistance (SETA) contractors to support government managers in overseeing and managing the work of other government contractors and to assist the government in designing systems requirements for future acquisitions. Unfortunately, the companies that provide these oversight and management services often also have divisions that engage in providing goods and other services to the government. This situation brings with it conditions that are ripe for potential organizational conflicts of interest that could compromise the fairness of an acquisition, and impact the ability of the government to get the best price and talent to manage a particular contract.

This overarching concern drives the Committee's desire to review the files related to NASA's procurement of its Space Communications Network Services (SCNS) contract award. The Committee has received allegations that the organizational conflicts of interest involving ITT Corporation as a SETA contractor may have compromised the competitive process. Without taking any position regarding the allegations that have been made, we are requesting that the following records (as defined in the attachment) be produced for our review.

1. All records related to compiling, drafting and approving the NASA's February 13, 2008 Final Request for Proposal (RFP) response to question number 25. That question read:

"What has been done to ensure that the GFSC Code 450 Systems Engineering Technical Assistance (SETA) contractor's access to the

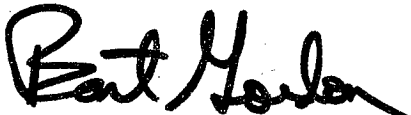
methods of performing the NENS [Near Earth Network Systems] contract does not create an unmitigated organizational conflict of interest (OCI) (or the appearance of an OCI) on the SCNS procurement, including:

- a. by access to the NENS's contractors confidential and/or proprietary information under the Code 450 SETA support contract;
 - b. by access to NASA's internal planning and deliberations, including work statements, concerning NENS/SCNS, TDRS K,L and/or SNE tasks;
 - c. by evaluating the NENS contractor's performance."
2. All records relating to any ethics guidance and/or recusal directions provided to Mr. Robert Spearing when he was seeking employment with outside parties while still the NASA deputy associate administrator for space communications.
 3. All records relating to the post-employment restrictions briefing that was given to Mr. Robert Spearing when he retired in April 2007. Please include any written post-employment restrictions set forth by the Agency regarding Mr. Spearing's post-employment limitations.
 4. The term and scope of work for the ITT Corporation's Mission Services Program SETA contract with Code 450, and any status reports provided by ITT to NASA to support remuneration under the SETA contract.
 5. ITT's proposal in response to the RFP for the SCNS contract.

In addition to the records requested above, please provide the Subcommittee with a timeline for when NASA intends to make a new, final award announcement for the SCNS contract and a timeline for when NASA would propose to begin transitioning work from the Near-Earth Network Systems (NENS) contract to the SCNS contract.

Please provide these materials and information to Room 2321 of the Rayburn House Office Building no later close of business on Friday, March 13, 2009. To arrange for the delivery of these materials or if you have any questions, please contact James Paul, Subcommittee professional staff at (202) 226-3639 or Dan Pearson, Subcommittee staff director at (202) 225-4494.

Sincerely,



BART GORDON
Chairman



BRAD MILLER
Subcommittee Chairman
Investigations and Oversight

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.